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AK # 9206045

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,     )  
  )  
                          Plaintiff,     )  
  )  
                  v.     )  
  )  
DARRELL WAYNE DAVIS,     )  
  )  
                          Defendant.     )  
\_\_\_\_\_) Case No. 3:04-CR-70-08 RRB

**DEFENDANT'S SENTENCING MEMORANDUM**

COMES NOW **DEFENDANT DARRELL WAYNE DAVIS** by and through his attorney of record **LANCE C. WELLS** of the **LAW OFFICES OF LANCE C. WELLS, P.C.** and hereby files Defendant's Sentencing Memorandum to be utilized by this court at defendant's disposition hearing.

**I. Facts.**

The facts of this matter are set forth within the Violation Dispositional Report prepared by Chris Liedike, US Probation Officer. The facts are not disputed by Mr. Davis.

Prior to release from incarceration, the defendant had completed the Federal Bureau of Prisons Residential Drug Abuse Program, The Federal Bureau of Prison's Drug Abuse Education

Course as well as the Salvation Army Clithroe Center's Outpatient Substance Abuse Program. However, upon release, Mr. Davis reverted back to the use of drugs: cocaine. There is no doubt that Mr. Davis has the tools, resources and education to stop his use of illegal drugs. Unfortunately, as this court is aware, we are dealing with addiction issues and unfortunately relapse for some is part of their recovery sometimes. Mr. Davis realizes that he has "messed up," and will do what he can to refrain from the use of drugs including alcohol when released as well as following through with continued treatment and active participation therein. Mr. Davis knows he still needs help and is willing to actively continue to seek it and follow through.

## **II. Conclusion**

Mr. Davis is in agreement with the probation officer's recommendations that he receive eight months imprisonment (with credit for time served to date) as well as a period of 40 months of supervised release. We are dealing with a grade "C" violation at Criminal History Category III. The imprisonment range is 5-11 months. The eight months of incarceration recommended falls squarely within the "heartland," range available.

It is respectfully requested that the defendant be sentenced as recommended by Mr. Liedike, USPO.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of June 2008.

LAW OFFICES OF LANCE C. WELLS, P.C.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on  
June 27th, 2008, a copy  
of the foregoing was served  
electronically:

Stephan Collins, AUSA  
Electronic address of record.

By:           /s/            
Lance C. Wells, Esq.